

From: ["Zell, Christopher" <zell.christopher@epa.gov>](mailto:zell.christopher@epa.gov)

To: ["Croxtton, David" <Croxtton.David@epa.gov>](mailto:Croxton.David@epa.gov)

["Lidgard, Michael" <Lidgard.Michael@epa.gov>](mailto:Lidgard.Michael@epa.gov)

["Brown, Leah" <Brown.Leah@epa.gov>](mailto:Brown.Leah@epa.gov)

Date: 8/21/2017 11:07:06 AM

Subject: [INTERNAL and DELIBERATIVE] OWW Topic Briefing - Deschutes (WA) TMDL Approval

Attachments: Deschutes TMDL Approval Letter\_08212017.doc

Deschutes Briefing Update\_08232017\_for Mike.docx

---

Good Morning,

Please find attached a briefing document and draft approval letter that should eclipse previous versions. Looking forward to our chat and please let me know if we can provide any additional information.

Best,

Chris

-----Original Appointment-----

**From:** Zell, Christopher

**Sent:** Tuesday, August 08, 2017 8:21 AM

**To:** Zell, Christopher; Croxtton, Dave; Lidgard, Michael; Brown, Leah

**Subject:** OWW Topic Briefing - Deschutes (WA) TMDL Approval

**When:** Wednesday, August 23, 2017 1:00 PM-2:00 PM (UTC-08:00) Pacific Time (US & Canada).

**Where:** Mike's Office

Hi Mike,

As you may know, we have been actively collaborating with Ecology to identify a path forward for the Deschutes TMDL. FOIA exemption (b)(5). We will send along a briefing document for your review in the not too distant future. Please let us know if you have any questions.

Thank you,

Chris



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

OFFICE OF  
WATER AND WATERSHEDS

Ms. Heather Bartlett  
Water Quality Program Manager  
Washington State Department of Ecology  
P.O. Box 47600  
Olympia, Washington 98504-7600

FOIA exemption (b)(5)

A large, solid black rectangular redaction box covers the majority of the lower half of the page, starting below the contact information and extending to the bottom edge. The text "FOIA exemption (b)(5)" is printed in red at the top left corner of this redacted area.

FOIA exemption (b)(5)



## Attachment A

FOIA exemption (b)(5)



## Meeting Purpose

- Inform Mike of Deschutes TMDL history and resubmit process
- Discuss options for responding to Ecology (see draft approval letter)
- Discuss options for pursuing and coordinating RA, HQ reviews

## Project Background

Ecology submitted the final Phase 1 Deschutes TMDL to EPA for approval on December 17, 2015. The submitted TMDL package included a request that EPA approve allocations for 71 (actually 73) Water Quality Limited Segments (WQLSs) impaired by five pollutants (temperature, dissolved oxygen [DO], pH, fecal coliform, and fine sediment). Beginning in February 2016, EPA has discussed with Ecology opportunities to remedy legal and technical shortcomings of the TMDL that have been identified by both EPA (WU, ORC) and potential plaintiffs (NWEA, Squaxin Island Tribe). **FOIA exemption (b)(5)**

- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]. Instead, Ecology chose to resubmit the Deschutes TMDL on July 17, 2017, and asked EPA “to focus” on a smaller subset of TMDLs for bacteria, temperature, and fine sediment.

## Update

- EPA and Ecology collaboratively developed the Deschutes TMDL resubmit letter
- EPA calculated bacteria TMDLs for 12 watersheds to assist Ecology
- A FOIA request submitted by NWEA on January 26, 2017, includes items related to the Deschutes TMDL. **FOIA exemption (b)(5)**
- Ecology resubmitted the Deschutes TMDL for a smaller subset of waters on July 17, 2017.

## Discussion

- **FOIA exemption (b)(5)**
- [REDACTED]
- [REDACTED]
- [REDACTED]